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January 9, 2019

VIA ECF

The Honorable Vernon S. Broderick
United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square, Room 415
New York, NY 10007

Re: Great Western Ins. Co. v. Mark Graham, et al., Case No. 18-06249 (VSB)

Dear Judge Broderick:

I write on behalf of Great Western Insurance Company (“Great Western”). Defendants John Drake (“Drake”) and Edward Brendan Lynch (“Lynch”), together with Great Western, have met and conferred regarding the briefing schedule for Drake and Lynch’s responses to the Second Amended Complaint (“SAC”) (Doc. 106) and have come to an agreement on the topic, subject to the Court’s approval.

In a series of telephone calls and emails, counsel for Drake, Lynch, and Great Western agreed to the following stipulation, whereby:

1. Drake and Lynch’s motion to dismiss and all accompanying notices, declarations, and joint memoranda of law (“Motion”) (Doc. 87–89 and 91–93) shall be deemed to apply to the SAC;
2. Drake and Lynch’s Motion shall be briefed on the same schedule as the other defendants’ motions related to the SAC (Doc. 114), thus Great Western shall file its response to the Motion on or before March 12, 2019, and Drake and Lynch shall file their reply(ies) on or before April 2, 2019; and
3. Drake and Lynch shall continue to reserve the right to bring “substantive” motion(s) to dismiss if their jurisdictional arguments are unsuccessful.

The parties look forward to the Court’s response on this matter.

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Respectfully submitted,

/s/Gerard D. Kelly
Gerard D. Kelly
(admitted *pro hac vice*)

cc: Counsel of Record (via ECF)